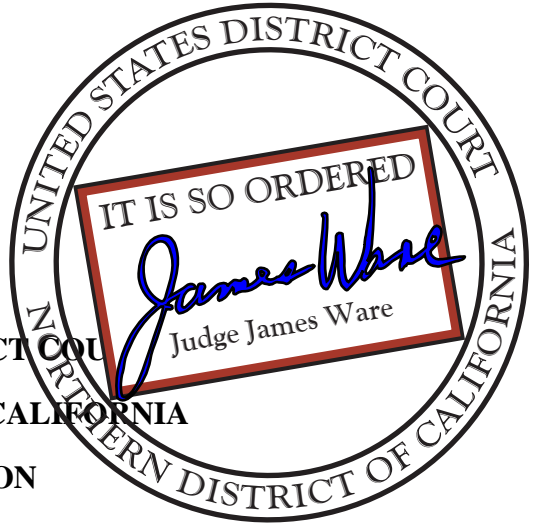


1 SWANSON & McNAMARA LLP  
2 Edward Swanson (SBN 159859)  
eswanson@swansonmcnamara.com  
3 Britt Evangelist (SBN 260457)  
bevangelist@swansonmcnamara.com  
4 300 Montgomery Street, Suite 1100  
San Francisco, California 94104  
5 Telephone: (415) 477-3800  
Facsimile: (415) 477-9010

6 Attorneys for Defendant: JAMIE HARMON

7  
8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**



12 UNITED STATES OF AMERICA

13 Plaintiff,

14 vs.

15 JAMIE HARMON,

16 Defendant.

CASE NO. 08-00938 JW

**PARTIE'S STIPULATION AND  
REQUEST TO RESCHEDULE  
FEBRUARY 27, 2012 STATUS  
CONFERENCE TO JUNE 11, 2012**

17  
18  
19 The United States of America, by and through Assistant United States Attorney Richard  
20 Cheng, and Jamie Harmon, by and through her counsel Edward W. Swanson, hereby submit this  
21 stipulated request to move the status conference currently scheduled for February 27, 2012 at 1:30  
22 p.m., to June 11, 2012 at 1:30 p.m. The parties agree and stipulate as follows:

23 (1) On September 23, 2011, the United States filed a Notice of Appeal of this Court's  
24 order on Harmon's new trial motion;

25 (2) The Ninth Circuit Court of Appeals issued a briefing scheduling setting December  
26 15, 2011 as the deadline for the filing Appellant's opening brief, and January 16, 2012 as the  
27 deadline for the filing of the Appellee's answering brief;

28 (3) On December 1, 2011, the United States filed a request for an extension of time to

1 file its opening brief in order to allow the United States to obtain the requisite authorization for the  
2 appeal from the Office of the Solicitor General.

3 (4) On December 1, 2011, the Ninth Circuit granted the United States' request for an  
4 extension. The Ninth Circuit also issued a briefing schedule setting January 17, 2012 as the  
5 deadline for the filing of the Appellant's opening brief, and February 16, 2012 as the deadline for  
6 the filing of the Appellee's answering brief. The United States filed its opening brief on January  
7 17.

8 (5) On February 8, 2012, Harmon filed a request for an extension of time to file her  
9 answering brief in light of undersigned counsel's trial schedule. Counsel's request was based on  
10 the fact that he was engaged in a trial before the Honorable Charles Breyer, and he was scheduled  
11 to be in trial nearly continuously until mid or late-April.

12 (6) On February 8, 2012, the Ninth Circuit granted Harmon's request for an extension.  
13 The Ninth Circuit issued a briefing schedule setting April 16, 2012 as the deadline for Harmon to  
14 file her answering brief. Appellant's optional reply brief is due within 14 days of service of the  
15 answering brief.

16 (7) In light of this briefing schedule, the parties request that the February 27, 2012,  
17 status conference be rescheduled to June 11, 2012.

18 (8) Counsel for Harmon has been in trial before the Honorable Charles Breyer this  
19 week, and for that reason he was unable to request this stipulation by Wednesday as required by  
20 the Court's scheduling order. Counsel apologizes for any inconvenience this delay may cause.

21  
22  
23 ///

24  
25  
26 ///

1 (9) The parties agree that any period of delay resulting from the appeal by the United  
2 States shall be excluded in computing the time within which trial in this matter must commence,  
3 pursuant to 18 U.S.C. § 3161(h)(1)(C).  
4

5 IT IS SO STIPULATED.  
6

7 DATED: February 24, 2012


\_\_\_\_\_/s/  
Richard Cheng  
Assistant United States Attorney

10 DATED: February 24, 2012

\_\_\_\_\_/s/  
Edward W. Swanson  
SWANSON & McNAMARA LLP  
Attorneys for JAMIE HARMON

14  
15 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
16

17  
18 DATED: February 24, 2012

  
\_\_\_\_\_  
HON. James Ware  
United States District Court Judge